



THE CITY OF SAN DIEGO

REPORT TO THE HEARING OFFICER

HEARING DATE: April 6, 2005 REPORT NO. HO 05-052

ATTENTION: Hearing Officer

SUBJECT: 4277 FANUEL STREET MAP WAIVER - PROJECT NUMBER: 57760

LOCATION: 4277 Fanuel Street

APPLICANT: David Lepre, and individual and Mitchell and Lynda Gabriel, a married couple.

SUMMARY

Requested Action - Should the Hearing Officer approve a Map Waiver and Waiver of Undergrounding No. 169316 and a Coastal Development Permit No. 174842 to convert two existing dwelling units to condominium ownership?

Staff Recommendation -

1. APPROVE Map Waiver and Waiver of Undergrounding No. 169316; and
2. APPROVE Coastal Development Permit No. 174842

Community Planning Group Recommendation – The Pacific Beach Community Planning Committee has received all application packages, submittals and project assessment letters. The committee has not forwarded any recommendation to the City.

Environmental Review - The project is categorically exempt from CEQA per Article 19, Section 15301(k), Existing Facilities.

BACKGROUND

The subject property, located at 4277 Fanuel Street on the east side between Thomas and Reed Avenues, is a 5, 698 square-foot site zoned RM-1-1 within the boundaries of the Pacific Beach Community Plan. The site is within the Coastal Overlay Zone (non-appealable), and the Coastal Height Limit Overlay Zone. The project site

contains three dwelling units in two detached structures and is proposed to be consolidated into two dwelling units for conversion to condominium ownership. Six off-street parking spaces are accessed from the adjoining alleyway on the south side of the property. Three of the parking spaces are within a garage and three are open spaces. Compliance with all applicable land development regulations were evaluated with prior approvals and of the additional unit and garage constructed in 1998 through a prior Coastal development Permit. Since the construction of the development of this site, almost all of the City's Land Development Code regulations have changed and this project would be considered previously conforming where any portion of the project would not comply with current criteria.

The project application was deemed complete on January 13, 2005, after the adoption of the amendments to Chapter 14, Article 2, Division 13, Sections 142.1303 and 142.1306 of the San Diego Municipal Code, all relating to Inclusionary Affordable Housing Regulations. The project is not subject to the City's 'Coastal Overlay Zone Affordable Housing Replacement' regulations.

DISCUSSION

The project site is located in Block 2-U of the City's Undergrounding Master Plan and a schedule for undergrounding has not yet been determined by the City Council for undergrounding. (Attachment No. 7). San Diego Municipal Code Section 144.0240, allows the subdivider to apply for a waiver of the requirement to underground the existing overhead utilities within the boundary of the subdivision, or within the abutting public rights-of-way. City staff has determined the undergrounding waiver request qualifies under the Guidelines of Council Policy 600-25, *Undergrounding Conversion of Utility Lines at the Developers Expense*, in that it involves a short span of under 600-feet, would not represent a logical extension to an undergrounding facility and is a condominium conversion application. The applicant would be required to underground any new service run to any new or proposed structures within the subdivision.

The San Diego Housing Commission and City staffs have determined that the conversion of the two dwelling units is subject to the Inclusionary Housing Ordinance and the Condo Conversion Ordinance. As such, the applicant is required to pay an in-lieu fee to the Housing Commission prior to the filing of a Consolidation Parcel Map to satisfy the Inclusionary Housing Ordinance. To comply with the relocation requirements of the Condo Conversion Ordinance, a tenant income survey of the tenants of the two units will be conducted by the Housing Commission and any compliance will be a condition of approval. The conditions by the Housing Commission are included in the Map Waiver Resolution.

In conclusion, this approval would enable the property owner to sell the two residential units as condominiums, for the entitlement being a change in ownership only.

ALTERNATIVES

1. Approve Map Waiver and Waiver of Undergrounding No. 169316 and Coastal Development Permit No. 174842 with modifications.
2. Deny Map Waiver and Waiver of Undergrounding No. 169316 and Coastal Development Permit No. 174842 if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

Robert Korch, Development Project Manager

Attachments:

1. Aerial Photograph
2. Map Waiver Exhibit (Hearing Officer Only)
3. Draft Map Conditions and Subdivision Resolution
4. Draft Coastal Development Permit with Conditions
5. Draft Coastal Development Permit Resolution with Findings
6. Community Planning Group Recommendation
7. Ownership Disclosure Statement